

## SELF-SERVICE CENTER

### WHAT HAPPENS AFTER SERVICE OF PROCESS?

### WHAT IS A DEFAULT HEARING?

#### General Information

After the other party has been served with the court papers, one or more documents must be filed with the court to show service. For example: an **"Acceptance of Service"** signed by the other party and notarized, a **"Waiver of Service"** signed by the other party and notarized, an **"Affidavit of Service"** signed by a private process server or deputy sheriff. In addition, if you were required to have a **"Summons"** when you filed your case, the ORIGINAL SUMMONS is also filed with the court. After the other party has been served with the court papers, you are a step closer to completing your case. The next steps depend upon whether the other party files a written **"Response or Answer"** with the court.

#### Default Time Table

The papers the private process server or sheriff served on the other party explain that the other party has 20 days to file a written **"Response or Answer"** to the court if the papers were served in Arizona. If a private process server or sheriff served the other party outside Arizona, the other party has 30 days to file a written **"Response or Answer."**

If the other party signed an **"Acceptance of Service,"** the other party has 20 days to file a written **"Response or Answer"** to the court if the other party lives in Arizona. If the other party does not live in Arizona and signs an **"Acceptance of Service,"** the other party has 30 days to file a written **"Response or Answer."**

If the other party signed a **"Waiver of Service,"** you should see a lawyer to see if you have complied with Rule 4, 4.1 and/or 4.2 Arizona Rules of Civil Procedure as amended December 1, 1996. If you need additional information about service by publication, read the Self-Service Packet about service when you do not know where the other party lives.

#### Requirement for Default

**If the other party has filed a written "Response or Answer" with the court within the time allowed by law, you cannot proceed by default. You will need to prepare for trial.**

If you want to get a default hearing, you must complete the **"Application and Affidavit of Default,"** and file it with the Clerk of the Court. You must be sure service of process was complete, and that the other party did not file a written **"Response or Answer"** with the court.

After the Clerk of the Court enters the default, be sure you have two (2) copies of the **"Application and Affidavit of Default"** stamped by the Clerk. You must mail or hand-deliver one copy to the other party the day that you filed the **"Application and Affidavit of Default"** with the Clerk of the Court.

If the other party still does not file a written **"Response or Answer"** within 10 days, you can request a default hearing date by filling out the **"Request for Default Hearing"** form.